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OFFICE OF PETITIONS

In re Application of :
Alain Poiraud :
Application No. 10/720,278 : DECISION ON PETITION
Filed: November 25, 2003 :
Attorney Docket No.: :
2937-115 :
Title: ASYMMETRICAL UNBALLASTED :
ANCHOR :

This is a decision on the petition filed March 10, 2004, requesting that the above-identified application, including page 8 of the specification, be accorded a filing date of November 25, 2003 as part of the original disclosure.

The application was deposited on November 25, 2003. However, on February 25, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that page 8 of the specification appeared to have been omitted.

In response, on March 10, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Page 8 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification, Claims and Abstract - 10" in the United States Patent and Trademark Office (Office) on November 25, 2003. Applicants request that page 8 of the specification be accorded a filing date of November 25, 2003.

It is noted that seven pages of specification, one page of claims, and a one page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 25, 2003 included Page 8 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including Page 8 of the specification, was complete on filing and entitled to a filing date of November 25, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed February 25, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 has not been charged to Petitioner's Deposit Account.

The application file is being returned to OIPE for further processing with a filing date of November 25, 2003, using the original application papers filed on that date, as well as Page 8 of the specification submitted on March 10, 2004, and for noting in Office records that this sheet was present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
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